



UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-2(c)

Friedman Vartolo LLP
85 Broad Street- Suite 501
New York, New York 10004
bankruptcy@friedmanvartolo.com
T: (212) 471-5100
F: (212) 471-5150
Attorneys for Rushmore Loan Management Services,
LLC as Servicer for US Bank Trust National
Association as Trustee of the Dwelling Series IV
Trust

In Re:

Allen Middleton

Debtor

Order Filed on March 3, 2021
by Clerk
U.S. Bankruptcy Court
District of New Jersey

Case No.: 19-15753-CMG

Chapter: 13

Hearing Date:
February 17, 2021

Hon. Judge:
Christine M. Gravelle

CONSENT ORDER RESOLVING MOTION TO VACATE STAY

The consent order set forth on the following pages, numbered two (2) through three (3), is hereby
ORDERED.

DATED: March 3, 2021


Honorable Christine M. Gravelle
United States Bankruptcy Judge

Applicant: Rushmore Loan Management Services, LLC as Servicer for US
Bank Trust National Association as Trustee of the Dwelling Series
IV
Applicant's Counsel: Friedman Vartolo LLP
Debtor's Counsel: Herbert B. Raymond, Esquire
Property (Collateral): 1305 North Oaks Boulevard, North Brunswick, NJ 08902
Relief Sought:
• Relief from Automatic Stay

For good cause shown, it is **ORDERED** that Applicant's Motion is resolved, subject to the following conditions:

1. Status of post-petition arrearages:

- ☒ The Debtor(s) is/are overdue for 6 months, from 09/01/2020 to 02/01/2021
- ☒ The Debtor(s) is/are overdue for 1 payment at \$1,255.51 per month.
- ☒ The Debtor(s) is/are overdue for 5 payments at \$1,203.13 per month.
- ☒ The Debtor(s) is/are due for \$588.00 in attorney's fees and costs.
- ☒ Applicant acknowledges suspense funds in the amount of \$371.01

Total Arrearages Due: \$7,488.15

2. Debtor(s) must cure all post-petition arrearages, as follows:

- ☐ Immediate payment shall be made in the amount of _____. Payment shall be made no later than _____.
- ☒ Beginning on March 1, 2021 regular monthly mortgage payments shall continue to be made.
- ☐ Beginning on _____, additional monthly cure payments shall be made in the amount of _____ for _____ months.
- ☒ The amount of \$7,488.15 shall be capitalized in the debtor's Chapter 13 plan. Said amount shall be set up on Trustee's ledger as a separate Claim. Debtor(s) shall file a Modified Plan within 10 days from the entry of this Order to account for the additional arrears to be paid to the secured creditor via Chapter 13 Plan and to adjust monthly payments to the Chapter 13 Trustee accordingly.

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3. Payments to the Secured Creditor shall be made to the following address:

Payments: Rushmore Loan Management Services
P.O. Box 52708
Irvine, CA 92619-2708

4. In the event of default:

☒ Should the Debtor(s) fail to make any of the above captioned payments, or if any regular monthly mortgage payment commencing after the cure of the post petition delinquency is more than thirty (30) days late, counsel shall file a Certification of Default with the Court, a copy of the Certification shall be sent to the Chapter 13 Trustee, the Debtor(s), and Debtor('s) attorney and the court shall enter an Order granting relief from the Automatic Stay.

☒ In the event the Debtor(s) converts to a Chapter 7 during the pendency of this bankruptcy case, the Debtor(s) shall cure all arrears within ten (10) days from the date of conversion in order to bring the loan contractually current. Should the Debtor(s) fail to bring the loan contractually current, counsel shall file a Certification of Default with the Court, a copy of the Certification shall be sent to the Chapter 13 Trustee, the Debtor(s), and Debtor('s) attorney and the court shall enter an Order granting relief from the Automatic Stay.

☒ This agreed order survives any loan modification agreed to and executed during the instant bankruptcy. If any regular mortgage payment due after the execution of a loan modification is more than thirty (30) days late, counsel shall file a Certification of Default with the Court, a copy of the Certification shall be sent to the Chapter 13 Trustee, the Debtor(s), and Debtor('s) attorney and the court shall enter an Order granting relief from the Automatic Stay

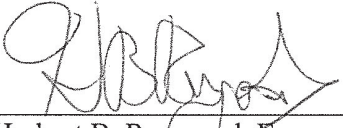
5. Award of Attorney's Fees:

The Applicant is awarded attorney's fees of \$400.00 and costs of \$188.00.

The fees and costs are payable:

- ☒ Attorney's fees and costs have been included in the Consent Order.
- ☐ Through the Chapter 13 plan. The fees/costs shall be set up as a s
separate claim to be paid by the Standing Trustee and shall be paid
as an administrative claim.
- ☐ To the Secured Creditor within _____ days
- ☐ Attorney's fees are not awarded.
- ☐ Movant reserves its right to file a Post-Petition Fee Notice for fees
and costs incurred in connection with the Motion for Relief.

The undersigned hereby consent to the form and entry of the foregoing order.



Herbert B. Raymond, Esq.
Attorney for Debtor

/s/ Jonathan Schwalb, Esq.
Jonathan Schwalb, Esq.
Attorney for Secured Creditor

2/26/21

In re:
Allen Middleton
Debtor

Case No. 19-15753-CMG
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-3
Date Rcvd: Mar 03, 2021

User: admin
Form ID: pdf903

Page 1 of 2
Total Noticed: 1

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Mar 05, 2021:

Recip ID	Recipient Name and Address
db	+ Allen Middleton, 1305 North Oaks Boulevard, North Brunswick, NJ 08902-2157

TOTAL: 1

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI).

NONE

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

NONE

NOTICE CERTIFICATION

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Mar 05, 2021

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on March 3, 2021 at the address(es) listed below:

Name	Email Address
Albert Russo	docs@russotrustee.com
Albert Russo	on behalf of Trustee Albert Russo docs@russotrustee.com
Denise E. Carlon	on behalf of Creditor Specialized Loan Servicing LLC dcarlon@kmlawgroup.com, bkgroup@kmlawgroup.com
Herbert B. Raymond	on behalf of Debtor Allen Middleton herbertraymond@gmail.com raymondmail@comcast.net;bankruptcyattorneys@comcast.net;herbertraymond@gmail.com;carbonell_c@hotmail.com;kdelyon.raymond@gmail.com;herbertraymond5967@yahoo.com;raymondlaw5622@gmail.com;courtemails789@gmail.com
Jonathan C. Schwalb	on behalf of Creditor Rushmore Loan Management Services LLC as servicer for U.S. Bank Trust National Association, as Trustee of Lodge Series IV Trust bankruptcy@friedmanvartolo.com

District/off: 0312-3

User: admin

Page 2 of 2

Date Rcvd: Mar 03, 2021

Form ID: pdf903

Total Noticed: 1

Jonathan C. Schwalb

on behalf of Creditor Rushmore Loan Management Services as servicer for U.S. Bank Trust National Association as Trustee of Dwelling Series IV Trust bankruptcy@friedmanvartolo.com

Rebecca Ann Solarz

on behalf of Creditor Specialized Loan Servicing LLC rsolarz@kmlawgroup.com

Thomas Vincent Giaimo

on behalf of Creditor The Oaks at North Brunswick Condominium Association Inc. tgiaimo@giaimoandassociates.com

U.S. Trustee

USTPRegion03.NE.ECF@usdoj.gov

William M.E. Powers, III

on behalf of Creditor Specialized Loan Servicing LLC ecf@powerskirn.com

TOTAL: 10